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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/028,298

12/19/2001

David N. Goldberg

10019867-1

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07/11/2005

HEWLETT-PACKARD COMPANY

Intellectual Property Administration

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EXAMINER

PHAM, TITO QUANG

ART UNIT

PAPER NUMBER

2667

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/028,298

Applicant(s)

GOLDBERG ET AL.

Examiner

Tito Pham

Art Unit

2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7-9,11-13,15-17,19-21,23 and 24 is/are rejected.
- 7) ☒ Claim(s) 2, 6, 10, 14, 18, and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

To facilitate better understanding of the invention based on the drawing, short and descriptive labeling for reference characters in figure 1 is requested by the examiner. The revised drawing is expected in the amendment.

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "565" has been used to designate both link barrier and link interface in the specification page 8 line 35. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claims 3, 11, and 19 are objected to because of the following informalities: dependent claims 3, 11, and 19 disclose a "second" storage element where "first"

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storage element is not mentioned in the independent claims 1, 9, and 17.

Appropriate correction is required.

3. Claims 5, 13, and 21 are objected to because of the following informalities:

error recovery "said performed" by each node is unclear and lacks antecedent basis for this limitation in this claim. Appropriate correction is required.

4. Claims 8, 16, and 24 are objected to because of the following informalities:

the word "said node" is not clear since there are more than 1 node recited in the independent claims. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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6. Claims 1, 3, 4, 5, 7, 8, 9, 11, 12, 13, 15, 16, 17, 19, 20, 21, 23, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Neal et al.

- Regarding claims 1, Neal et al discloses a method of detecting an error during communication between nodes separated by a link (figure 8, column 3 line 21), blocking further communication between nodes in response to the detected error (column 2 lines 30-32), unblocking blocked communication between nodes after error recovery, and re-enabling the communication between nodes (figure 9, column 10 lines 61-65).
- Regarding claims 3, 11, and 19, error condition in Neal et al causes a generation of an error indicator, and the error indicator is stored in an element (column 10 lines 22-25).
- Regarding claims 4, 12, and 20, Neal et al shows a pause in communication between nodes in response to the generation of error indicator (column 10 lines 9-13, 20-22)
- Regarding claims 5, 13, and 21, it is inherent that Neal system resolves error appropriately by each node.
- Regarding claim 7, 15, and 23, Neal et al shows storage elements (queue pair table, Fig. 7) disposed in a channel adapter (Fig.1, 4) which connected to the customers by a link.
- In regarding to claims 8, 16, and 24, Neal et al discloses storage elements (memory) in a node (Figure 1).

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- Regarding claim 9, Neal discloses a computer-usable medium having program code embodied for causing a computer system to detect an error during communication between nodes separated by a link, block further communication in response to the error, unblock the blocked communication after error recovery, and re-enable communication between nodes (column 11 lines 40-56).
- Regarding claim 17, the same analysis above with respect to claim 1 is applicable. Further, figure 1 of Neal also shows a display console to the system (console 110).

***Allowable Subject Matter***


7. Claims 2, 6, 10, 14, 18, and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tito Pham whose telephone number is 571-272-8617. The examiner can normally be reached on 8-5 PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**CHI PHAM**  
PERMISSORY PATENT EXAMINER  
TECHNOLOGY 7/8/05